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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,512	08/01/2003	Richard S. Polevoy	2340-1-002CIP	4337

23565 7590 08/09/2005

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EXAMINER

GROSZ, ALEXANDER

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,512

Applicant(s)

POLEVOY ET AL.

Examiner

Alexander Grosz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/27/05
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
4a) Of the above claim(s) 2, 4, 5-12, 19-30, 40-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-12, 19-30, 40-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/2/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claims 3, 4, 13-18, 31-39, 56-58 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/10/04 and 5/27/05.

An IDS listing the prior art cited in the parent application should be submitted.

Applicant is urged to cancel the nonelected claims without prejudice.

It appears that claim 11, drawn to the embodiment of figure 3B should be withdrawn.

It appears that claim 12 improperly depends on claim 14.

On page 1, first paragraph, the patent number must be inserted. In the paragraph bridging pages 29, 30 the application number must be inserted. On page 35, line 8, the patent number must be inserted.

On page 33, line 4, "n" must be changed to -i n-.

In figure 7A, numeral 82 must be moved to identify the rail connector, not the slide end.

It is not clear what figure 8A illustrates and along what "lines" of Fig. 8, is the view of figure 8A taken. It is not clear along which lines of figure 10, is figure 10A taken.

It is not clear that all of the claimed structure is illustrated in figures 7A-11. Great difficulty was encountered in locating the elements of the claims in the figures.

In response to this action applicant is urged to continue to identify each and every element of the claims with reference to the drawings, with numerals in parentheses.

Such numerals will aid in more easily "following" the claims; will help in avoiding

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"mistakes" but will not in any way limit the scopes of the claims, and upon agreement on allowable claims, may be deleted from such claims, if applicant so desires.

Applicant is urged to review the numerals used in the claims, as some seem to be confusingly used, and to identify the figure(s) which "illustrate" the specific claims. Applicant may want to add further numerals to the drawings, and provide further drawings which clearly illustrate the claimed structural elements.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 5-12, 19-30, 40-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As discussed above, it is not clear what exactly are the structural elements of the claims.

Applicant may want to cancel the confusing pending claims, and submit new claims.

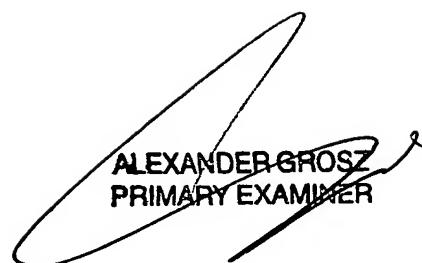
It appears that claims drawn to the specific structures shown in figures 7A, and 8, and 10 would be allowable over the prior art.

Note the prior art cited on attached PTO-892, in which cross members are releasably and frictionally attached to side rails. Such frictional attachment is considered a "snap fitted" attachment.

Any inquiry concerning this communication should be directed to Alexander Grosz at telephone number 571-272-7041.

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Grosz/vs
July 28, 2005


ALEXANDER GROSZ
PRIMARY EXAMINER